

c.) Remarks

As of this response, claims 1, 5, 6, 12, 14, and 15 remain pending. In the present office action, claims 1, 5, 6, 12, 14, and 15 have been rejected. Claims 2-4, 7-11, 13, and 16-26 are withdrawn from consideration. The outstanding rejections and objections are summarized below.

Restriction Requirement/Election of Species

1. Applicants affirm their election of the claims of Group III; claims 1, 5, 6, 12, 14, and 15. Claim 12 of Species A, claim 5 of Species B and claim 6 of Species C are elected.

Outstanding Rejections/Objections

The Examiner has entered or maintained the following objections/rejections:

1. Claim 15 is objected to due to an improper dependence.
2. Claims 1, 5, 6, and 12 are rejected under 35 USC § 103(a), as being unpatentable over U.S. Patent 4,892,139 to LaHaye ("LaHaye '139") in view of U.S. Patent 3,933,606 to Harms ("Harms '606").
2. Claims 14 and 15 are rejected under 35 USC § 103(a) as being unpatentable over LaHaye '139 in view of U.S. Patent 6,451,210 to Sivavec ("Sivavec '210").

Rejection of Claims 1, 5, 6, and 12 under 35 USC § 103(a)

The examiner has rejected claims 1, 5, 6, and 12 are rejected under 35 USC § 103(a), as being unpatentable over LaHaye '139 in view of Harms '606.

Applicants respectfully traverse the § 103(a) rejection over LaHaye '139 in view of Harms '606. LaHaye '139 is concerned with the flow of particulate-laden combustion gases. This requires that the gas to be cleaned be subjected to a charge-producing component

in addition to an electrostatic charge on the process equipment to be kept free of contaminants. Thus, the method of LaHaye '139 requires at least two charge sources. The problem addressed by LaHaye '139 is quite different from that of the instant invention.

The examiner has stated that while LaHaye '139 does not teach or suggest specifically the step of adjusting the magnitude of the electric charge, Harms '606 teaches this step. Applicants further assert that the secondary reference of Harms '606 does not teach a step of adjusting the magnitude of said electric charge while continuing said flowing step. The cited passage (col. ll. 57-61) of Harms '606 recites:

It is understood that the magnitude of the electrical charge in the space charge sheath necessary to affect a desired degree of contaminate removal will vary with the composition of the water being treated.

Harms '606 is merely stating the truism that the magnitude of the charge required will be different for water having different levels of contamination. Contaminant composition and concentration is application – specific even in identical processes. Each process unit is unique. At normal steady –state it is some level and at upset conditions it is much higher. The process will dictate the magnitude of the electrical charge based upon its current state, and this may vary with time within a given process. Harms '606 does not teach that the charge should be varied during the removal. Nowhere does Harms '606 teach varying the magnitude of the charge during the method, for example, as part of a feedback loop. Accordingly, applicants assert that the § 103(a) rejection over LaHaye '139 in view of Harms '606 is not appropriate and should be withdrawn.

Rejection of Claims 14 and 15 under 35 USC § 103(a)

The examiner has rejected claims 14 and 15 under 35 USC § 103(a) as being unpatentable over LaHaye '139 in view of Sivavec '210. As argued above, applicants assert that LaHaye '139 is not an appropriate reference because it is concerned with the flow of

particulate laden combustion gases. This requires that the gas to be cleaned be subjected to a charge-producing component in addition to an electrostatic charge on the process equipment to be kept free of contaminants. Thus, the problem addressed by LaHaye '139 is quite different from that of the instant invention.

The examiner also states that while LaHaye '139 does not teach or suggest the step of determining the level of contaminants in the fluid stream, this teaching is supplied by its combination with Sivavec '210. Applicants respectfully traverse this rejection. The examiner cites the teachings of Sivavec '210 at col. 2, l. 30, col. 3, l. 25 for the proposition that it has been taught that one should measure the concentration of contaminants prior to treatment in order to determine the correct type of treatment. Examples of "types of treatment" include ion exchange beds, air stripping columns and filters, etc. In the instant invention, applicants are not using the concentration measurement to determine the correct type of treatment, but rather are using it to modify the conditions of the treatment. The type of treatment is electrostatic precipitation. It is merely being used as a feedback parameter to determine the amount of charge necessary to reach a specific level of cleanliness. Accordingly, applicants assert that the § 103(a) rejection over LaHaye '139 in view of Sivavec '210 is not appropriate and should be withdrawn.

d.) Conclusions

In light of the arguments made herein, Applicants also assert that the pending claims are now in condition for allowance. Because the Examiner's requirements have been satisfied, Applicants respectfully request withdrawal of the outstanding rejections. Accordingly, Applicants earnestly request allowance of the application. This is intended to be a complete response. If any issues remain outstanding, please contact the undersigned for resolution of the same.

Applicants believe that no fees are due or associated with the filing of this document. However, if Applicants are in error, the Commissioner is hereby authorized to draw any additional fees associated with this filing from Deposit Account No. 06-2375, under Order No. P02104US0/10100157, from which the undersigned is authorized to draw.

Respectfully submitted,

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